

The Clerk of Court is respectfully directed to close Dkt. No. 120.

November 12, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HC2, INC.,

Plaintiff,


v.

ANDREW DELANEY,

Defendant.

Civil Action No.: 1:20-cv-3178 (LJL)

SO ORDERED.


LEWIS J. LIMAN
United States District Judge

STIPULATION OF WITHDRAWAL OF MOTION FOR SANCTIONS

WHEREAS, on December 23, 2020, defendant, Andrew J. Delaney (“Delaney”), filed a voluntary petition for bankruptcy under Chapter 7 of the United States Bankruptcy Code, in the United States Bankruptcy Court for the Eastern District of New York, Case No. 1-20-44372-jmm; and

WHEREAS, on December 23, 2020, Gregory Messer, Esq. was appointed as the Chapter 7 Trustee of the bankruptcy estate of Andrew J. Delaney (the “Trustee”); and

WHEREAS, on January 19, 2021, Delaney filed his *Motion for Sanctions Pursuant to Fed. R. Civ. P. 11* in the captioned case (Doc. 119) (the “Motion”); and

WHEREAS, plaintiff, HC2, Inc. (“HC2”), and the Trustee on behalf of the bankruptcy estate of Delaney, desire to avoid the cost and burden of further litigation in the captioned case;

IT IS THEREFORE AGREED by and among HC2 and the Trustee that:

1. The foregoing Recitals are hereby acknowledged, agreed to and incorporated into the terms of this Stipulation.

2. HC2 and the Trustee hereby agree to the withdrawal, with prejudice, of the Motion.

3. HC2 and the Trustee each acknowledge that the foregoing withdrawal of the Motion is made for the purpose of avoiding the expense and burden of continued litigation, and that the foregoing withdrawal does not reflect any opinion or admission as to the merits of the Motion, or any acknowledgment of a claim or indebtedness owed by one party to the other party hereto.

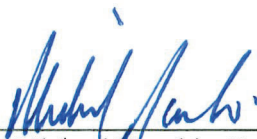
4. This Stipulation may be signed in multiple counterparts and by electronic transmission, each of which, when taken together, shall constitute one (1) executed original.

5. By signing this Stipulation, each of the parties hereto acknowledges that each has read all of the terms of the Stipulation and enters into these terms voluntarily and without duress and that it has the authority to bind itself to this Stipulation.

Seen and agreed to:

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.
Attorneys for plaintiff, HC2, Inc.

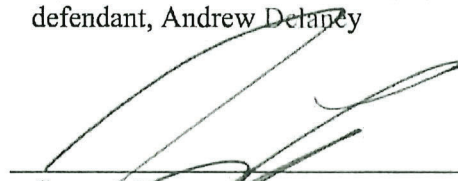
By:



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DATED: November 9, 2021

GREGORY MESSER, ESQ.
Chapter 7 Trustee for the bankruptcy estate of
defendant, Andrew Delaney



Gregory Messer, Esq.
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DATED: October 6, 2021